

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MASSACHUSETTS**

Ina Steiner,
David Steiner,
Steiner Associates, LLC,
(Publisher of EcommerceBytes)

Plaintiffs,

vs.

No. 21-CV-11181-DPW

eBay, Inc.,
Progressive F.O.R.C.E. Concepts, LLC
Devin Wenig,
Steve Wymer,
James Baugh,
David Harville,
Brian Gilbert,
Stephanie Popp,
Stephanie Stockwell,
Veronica Zea,
Philip Cooke,
John and Jane DOE,

Defendants.

DEFENDANT PHILIP COOKE’S UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendant Philip Cooke (“Mr. Cooke”) hereby files this unopposed motion to extend the deadline for Mr. Cooke to file a reply brief from June 6, 2022 to June 24, 2022, and to permit Mr. Cooke to file a reply brief up to 20 pages. As grounds for this motion, Mr. Cooke states as follows:

1. Mr. Cooke’s Motion to Dismiss is currently pending. ECF No. 81. The Court previously allowed Mr. Cooke’s motion to file a reply brief of not more than 15 pages not more than 14 days following Plaintiffs’ opposition to the Motion to Dismiss. ECF Nos. 69, 71.

2. After unsuccessful mediation with eBay, Plaintiffs filed a consolidated opposition to Defendants' motions to dismiss which is 83 pages and attaches a 545 page appendix ("Opposition"). ECF No. 117.

3. Given the length of the Opposition and appendix, counsel for Mr. Cooke requires additional time to prepare his reply brief. This will further assist the Court in considering the issues raised in the Motion to Dismiss and Plaintiffs' Opposition.

4. The brief extension of time will not prejudice the parties.

5. Counsel for Mr. Cooke has conferred with counsel for the Plaintiffs who did not oppose this request, provided that Mr. Cooke would not oppose 20 pages for a sur-reply and a request that the Plaintiffs be permitted to file the sur-reply on or before July 22, 2022 if the Court were to grant Plaintiffs permission to file a sur-reply. Mr. Cooke does not believe a sur-reply is necessary, but if the Court allows Plaintiffs to file one then he will not oppose a request that the sur-reply be no more than 20 pages and be filed on or before July 22, 2022.

WHEREFORE, Mr. Cooke requests that the Court grant this Motion and extend the deadline for Mr. Cooke to file a reply brief from June 6, 2022 to June 24, 2022, and permit Mr. Cooke to file a reply brief up to 20 pages.

Dated: May 31, 2022

Respectfully submitted,

PHILIP COOKE

By his attorneys,

/s/ Christina N. Lindberg

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LOCAL RULE 7.1 CERTIFICATION

I, Christina N. Lindberg, counsel for Mr. Cooke, hereby certify that, in accordance with Local Rule 7.1(a)(2), counsel for Mr. Cooke conferred with counsel for Plaintiffs on May 27, 2022, who do not oppose the relief requested in this motion. I further certify that I have also conferred with counsel of record for the remaining parties in this matter and received no objection to the relief requested herein.

/s/ Christina N. Lindberg
Christina N. Lindberg

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed through the ECF system on May 31, 2022 and will be sent electronically to the registered participants on the Notice of Electronic Filing and paper copies will be sent to any non-registered participants.

/s/ Christina N. Lindberg
Christina N. Lindberg